

REMARKS

Claims 2, 5, 6, 9, 22-38 are pending in the application. Claims 2, 9, 22, 26, 30, 32, and 34-36 have been amended and Claim 38 is newly presented. Support for the new claim and bases for the amendments can be found throughout the application, claims and drawings as originally filed and as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

CLAIM AMENDMENTS

Claims 2 and 22 have been rewritten in an independent form that incorporates all of the limitations of the base claim and any intervening claims.

Claim 9 has been amended in the manner suggested by the Examiner to correct an informality in line 7 of the claim and to change its dependency to Claim 22.

Claims 26, 30, 32 and 34 have been amended to change their dependency from Claim 1 to Claim 22

Claims 35 and 36 have been amended in the manner suggested by the Examiner to resolve confusion concerning the first and second handles.

Newly presented Claim 38 incorporates the limitations of Claims 2, 5, 6 and 25.

Applicant submits that bases for the amendments can be found throughout the application, claims and drawings as originally filed and as such, no new matter has been presented.

REJECTIONS UNDER 35 U.S.C. §112

Claims 34 through 37 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Applicant submits that the rejection has been rendered moot.

Applicant notes that Claim 34 has been amended to depend from Claim 22, which introduces “a handle” in the second to last line of the claim. Accordingly, there is antecedent basis for “the handle” in Claim 34.

As noted above, Applicant has amended Claims 35 and 36 in the manner suggested by the Examiner to resolve confusion concerning the handles in these claims. Applicant notes, too, that Claim 37 was rejected for incorporating the error of Claim 35 by reference.

In view of the above remarks, Applicant submits that the rejection of Claims 34 through 37 under 35 U.S.C. §112, second paragraph has been rendered moot. As such, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claims 34 through 37 under 35 U.S.C. 112, second paragraph.

REJECTION UNDER 35 U.S.C. § 102

Claims 2, 5, 6 and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Cannarella (U.S.P.N. 4,060,870). This rejection is respectfully traversed.

Applicant notes that Claim 2 includes a valve that is selectively operable for permitting fluid communication between the reservoir and the nozzle and a valve actuator for operating the valve. Actuation of the valve actuator does not increase a pressure of the pressurized fluid within the reservoir.

In contrast, the valves (54, 56) of Cannarella are check valves that are not selectively openable. Rather the check valves (54, 56) of Cannarella open in response to

the application of a predetermined fluid pressure against the valve. Accordingly, Applicant submits that Cannarella does not teach or suggest each element of Claim 2 as arranged in the claim and as such, does not present a prima facie case of anticipation. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 2 under 35 U.S.C. §102(b).

Applicant notes that as Claims 5, 6 and 25 depend from Claim 2, these claims should overcome the rejection under 35 U.S.C. §102(b) for at least the reasons expressed for Claim 2, above. Additionally, Applicant notes that Cannarella does not teach or suggest a cylinder sleeve that is removably coupled to a reservoir housing as recited in Claim 25. In contrast, the toothpaste (20) and mouthwash (22) are received in chambers that are integrally formed in the housing of the device of Cannarella.

REJECTION UNDER 35 U.S.C. § 103

Claims 9, 26, 27, 32 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Starr (USPN 3,396,417) in view of Downes (USPN 3,892,004). This rejection is respectfully rendered moot.

Applicant notes that Claims 9, 26, 27, 32 and 34 depend from Claim 22, which the Office has indicated as including allowable subject matter and which has been rewritten in an independent form. Accordingly, Applicant submits that Claims 9, 26, 27, 32 and 34 are in condition for allowance.

Claims 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Starr (USPN 3,396,417) in view of Downes (USPN 3,892,004) and Goldstein et al. (USPN 3,343,192). This rejection is respectfully rendered moot.

Applicant notes that Claims 28 and 29 ultimately depend from Claim 22, which the Office has indicated as including allowable subject matter and which has been rewritten in an independent form. Accordingly, Applicant submits that Claims 28 and 29 are in condition for allowance.

Claims 30 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannarella in view of Kucar (USPN 5,700,146). This rejection is respectfully rendered moot.

Applicant notes that Claims 30 and 31 depend from Claim 22, which the Office has indicated as including allowable subject matter and which has been rewritten in an independent form. Accordingly, Applicant submits that Claims 30 and 31 are in condition for allowance.

ALLOWABLE SUBJECT MATTER

Applicant thanks the Examiner for the very thorough examination given to the present application and for indication of the allowance/allowability of various claims. The Office has indicated that Claim 33 has been allowed, Claims 35-37 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. §112, second paragraph, and Claims 22-24 would be allowable if rewritten in an independent form that includes all of the limitations of the base claim and any intervening claims.

Applicant has amended Claims 35 and 36 as described above to overcome the rejection under 35 U.S.C. §112, second paragraph and has rewritten Claim 22 in an independent form that includes all of the limitations of the base claim and any intervening claims. Accordingly, Applicant submits that Claims 22-24 and 35-37 are in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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